

**CHAPTER 187**  
**AGRICULTURAL LANDS ACT**

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FIRST SCHEDULE

SECOND SCHEDULE

**AN ACT**

**to provide for the establishment of the Agricultural Lands Board; to prescribe the composition and membership thereof; to prescribe its powers and functions; to provide for tenant farming schemes; and to provide for matters incidental to or connected with the foregoing.**

*[23rd December, 1960]*

Act 57 of 1960,

Act 42 of 1963,

Act 13 of 1994,

GN 227 of 1964,

SI 65 of 1965.

**PART I**  
**PRELIMINARY**

**1. Short title**

This Act may be cited as the Agricultural Lands Act.

**2. Interpretation**

In this Act, unless the context otherwise requires—



(/)

“**agricultural purposes**” includes grazing and stock raising;

“**Board**” means the Agricultural Lands Board established under the provisions of section 4;

“**State Grant**” means a grant in fee simple made under and subject to the provisions of Part III;

“**State Land**” means any land included within State Lands as defined in the Orders dealing with State Lands other than land which, prior to the 14th March, 1957, had been and which at that date was and thereafter has remained granted in perpetuity to any person;

“**State Lease**” means a lease of State Land and includes any lease granted before the 24th October, 1964, by the Crown.

[S 2 am by SI 65 of 1965.]

### **3. Existing leases and grants**

Any lease made or State Grant issued under the provisions of the Agricultural Lands Acts, Chapter 101 of the 1958 Edition of the Laws, shall be deemed to have been made or issued under the provisions of this Act and shall have effect accordingly as if this Act had been in force at the date of such lease or grant:

Provided that if any conditions imposed upon any such lease or grant by the provisions of this Act are more onerous than those imposed by the Agricultural Lands Act, Chapter 101 of the 1958 Edition of the Laws, the conditions imposed by the latter Act shall continue to attach to such lease or grant in place of the said conditions imposed under this Act.

## **PART II** **AGRICULTURAL LANDS BOARD**

### **4. Establishment of Agricultural Lands Board**

(1) As from the commencement of this Act there shall be established a Board to be known as the Agricultural Lands Board.

(2) The members of the Board shall be—

- (a) a chairman appointed by the Minister to be other than a public officer;
- (b) three public officers appointed by the Minister;
- (c) two persons selected by the Minister from a panel of not more than four names submitted to him by the Commercial Farmers' Union;
- (d) such additional members, not exceeding five in number, appointed by the Minister as the Minister may deem desirable:

Provided that at no time shall the Board be so constituted as to have a majority of public officers.

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(3) No person who is a member of the National Assembly may be appointed to be a member of the Board.

(4) The appointments made under the provisions of paragraphs (a), (c) and (d) of sub-section (2) shall be made by name, but the appointments made under the provisions of paragraph (b) of sub-section (2) may be made ex officio or by name.

[S 4 am by Act 42 of 1963; GN 227 of 1964; SI 65 of 1965.]

## 5. Tenure of office of members of Board

(1) Subject to the other provisions of this section, the chairman of the Board shall hold office for such period not exceeding three years from the date of his appointment as the Minister may fix or, if no period has been fixed, for three years from the date of his appointment but shall be eligible for reappointment, and the members of the Board appointed under the provisions of paragraphs (c) and (d) of sub-section (2) of section 4 shall hold office for a period of two years from the date of their appointment but shall be eligible for reappointment.

(2) The office of a member of the Board shall become vacant—

(a) upon his death; or

(b) if he shall be adjudicated a bankrupt or if he shall make a composition with his creditors; or

(c) if he is absent from three consecutive meetings of the Board without the special leave of the Board; or

(d) if he gives one month's notice in writing to the Minister of his intention to resign office and his resignation is accepted by the Minister; or

(e) if the Minister is satisfied that the member has become physically or mentally incapable of performing his duties as a member; or

(f) if his appointment is terminated by the Minister; or

(g) if he becomes a member of the National Assembly.

[S 5 am by GN 227 of 1964; SI 65 of 1965.]

## 6. Procedure of Board

(1) The Board may meet for the dispatch of business, adjourn and, subject to the provisions of this Act, regulate its meetings as it thinks fit.

(2) Four members, of whom at least two are not public officers, shall constitute a *quorum* of any meeting of the Board, and all acts, matters or things authorised or required to be done by the Board shall be decided by resolution of any meeting at which a *quorum* is present.

(3) At all meetings of the Board the chairman, or, in his absence, such member as the members present shall select, shall preside.

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(4) At all meetings of the Board the person presiding shall have a deliberative vote and, in the event of an equality of votes, shall also have a casting vote.

(5) If a member is directly or indirectly personally interested in any matter coming before any meeting of the Board at which he is present, he shall, at the meeting and as soon as practicable after the commencement thereof, disclose the fact and shall not be present in his capacity as a member at the meeting while such matter is being considered and shall not take part in any discussion or vote on that matter or any question arising therefrom.

## **7. Remuneration of members**

(1) Every member of the Board, other than a public officer, shall be paid such fees and remuneration in respect of his services as such member as may be fixed by the Minister from time to time.

(2) Every such member shall, in addition, be paid travelling and subsistence expenses incurred by him while engaged on the business of the Board in accordance with a tariff framed by the Board and approved by the Minister.

## **8. Functions of Board**

(1) The functions of the Board, in addition to the powers and duties specifically assigned to it under this Act, shall be—

(a) to keep under review the use that is being made by the President of State Land outside urban and peri-urban areas and to make such recommendations to the Minister thereon as it may deem fit;

(b) to carry out such other duties in relation to the alienation of State Land outside urban and peri-urban areas as the Minister may place upon the Board;

(c) to keep under review the general operation of this Act and to make such recommendations to the Minister thereon as it may deem fit.

(2) In the exercise of its functions under this Act, the Board shall comply with any general or special directions of policy given by the Minister.

(3) In the exercise of its advisory duties, the Board shall through its chairman communicate its advice and recommendations to the Minister.

(4) In the exercise of any powers of decision conferred upon the Board by this Act or by the Minister, the Board shall communicate its decision to the Permanent Secretary, who shall cause such decisions to be carried out subject to the provisions of this Act and of any other written law.

(5) No member of the Board shall communicate any advice, recommendation or any decision whatsoever of the Board to any person who is not a member of the Board except when authorised so to do by the Minister, or the Permanent Secretary.

## 9. Review of decisions of Board

(1) Subject to the provisions of this section, the decision of the Board shall be final in respect of any matter on which the Board is by or under this Act empowered to decide.

(2) Any person aggrieved by a decision of the Board may at any time, but not later than twenty-eight days after the service upon him of formal notice thereof, appeal to the Minister against the decision on any of the following grounds but not otherwise—

- (a) that the decision is contrary to the provisions of this Act;
- (b) that the decision is contrary to public policy or to the public interest;
- (c) that the decision is an improper exercise of a discretion entrusted to the Board;
- (d) that the decision is against the weight of the evidence submitted to the Board.

(3) The Minister may, upon an appeal under sub-section (2) or of his own instance, review any decision of the Board on any of the grounds set out in sub-section (2), or on the ground that such decision is contrary to any directions of policy given by the Minister to the Board.

(4) When exercising his powers under this section, the Minister may make such order as in the circumstances he may consider just, and such order shall be final.

## PART III

### ALIENATION OF AGRICULTURAL LAND

## 10. Application of Part III

(1) The Minister may, by statutory notice, declare any State Land and, with the consent of the registered owner thereof, any freehold land to be subject to the provisions of this Part and may at any time, by like notice, declare that any such land that has not been alienated under the provisions of this Part shall cease to be subject thereto.

(2) The provisions of this Part shall not apply to any land other than land in respect of which a declaration under sub-section (1) is for the time being in force.

[S 10 am by GN 227 of 1964; SI 65 of 1965.]

## 11. Interpretation

In this Part, unless the context otherwise requires—

“**allotment plan**” means a plan for the allotment of land prepared by the Board under the provisions of this Part;



“**beneficial occupation**” has the meaning assigned to it by sub-section (2) of section 21, and “beneficially occupy” shall be construed accordingly;

“**declared land**” means land in respect of which a declaration made under sub-section (1) of section 10 is for the time being in force;

“**holding**” means a holding into which any land has been divided in accordance with, and for the purpose of alienation under the provisions of this Part or of Part III of the Agricultural Lands Act, Chapter 101 of the 1958 Edition of the Laws;

“**lessee**” means the lessee of a holding;

“**permanent improvements**” means the improvements specified in the First Schedule.

[S 11 am by SI 65 of 1965.]

## 12. Manner of alienation

(1) Declared land may be alienated by the President in any of the following ways but not otherwise—

- (a) by State Grant in accordance with the provisions of this Act;
- (b) by the lease of holdings in accordance with the provisions of the succeeding sections of this Part;
- (c) by any other State Lease or tenancy.

(2) Unless a contrary intention appears, the provisions of this Part, other than the provisions of this section, shall not apply to State Leases or tenancies, other than the lease of holdings.

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